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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,299	01/26/2004	Gregory M. Lanza	532512001000	9201
25225	7590	08/15/2007	EXAMINER	
MORRISON & FOERSTER LLP			SCHLIENTZ, LEAH H	
12531 HIGH BLUFF DRIVE			ART UNIT	PAPER NUMBER
SUITE 100			1618	
SAN DIEGO, CA 92130-2040				

MAIL DATE	DELIVERY MODE
08/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Supplemental Notice of Allowability	Application No.	Applicant(s)	
	10/765,299	LANZA ET AL.	
	Examiner Leah Schlientz	Art Unit 1618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the communication filed 7/3/07.
2. The allowed claim(s) is/are 1 and 3-23.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 7/3/07
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

Inventorship

In view of the papers filed 3/14/2006, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by the addition of Phillip S. Athey, Gyongyi Gulyas, and Garry E.Kiefer.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Murashige on 8/8/2007. This amendment also reiterates the text of the amendment authorized on 4/3/07.

The application has been amended as follows:

In claim 1, line 3, replace "wherein Ch represents a chelating moiety;" with ---wherein Ch represents a chelating moiety comprising at least two nitrogens spaced by alkylene groups and to which carboxylic acid-bearing moieties are coupled;---.

In claim 1, line 14, replace "spacer is $-\text{CH}_2\text{CH}_2-$ or includes a peptide, a pseudopeptide, and/or a polyalkylene glycol," with ---spacer is $-\text{CH}_2\text{CH}_2-$ and/or includes a peptide, a pseudopeptide, or a polyalkylene glycol,---.

The following is an examiner's statement of reasons for allowance: Applicant has prepared compounds which contain a novel spacer-phenyl-(CH_2)₀₋₃ moiety that links phosphatidylethanolamine to a chelate ligand, as compared to the closest prior art compound, DTPA-PE, where phosphatidylethanolamine is directly conjugated to a chelate ligand. The length of spacer was shown to effect T₁ and T₂ relaxivity values of the gadolinium chelates. Another related prior art structure is the α,β -PDIT-mono-PE structure on page 1405 of Bittman (*Biochemistry*, 1985). While the thioester moiety of the Bittman compound may be capable of acting as a chelating agent, the structures were not taught for such purposes as binding a metal ion. Furthermore, the instant claims identify the chelating moiety as comprising carboxylic acid-bearing moieties, which are not present in the structure of Bittman.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leah Schlientz whose telephone number is 571-272-9928. The examiner can normally be reached on Monday - Friday 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hartley can be reached on 571-272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LHS



MICHAEL G. HARTLEY
SUPERVISORY PATENT EXAMINER